# HOUSE BILL NO. 98

## INTRODUCED BY YARDLEY

# BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 5, 1983	Introduced and referred to Committee on Natural Re- sources.
January 19, 1983	Committee recommend bill do pass as amended. Report adopted.
January 20, 1983	Bill printed and placed on members' desks.
January 21, 1983	Second reading, do pass.
January 22, 1983	Considered correctly en- grossed.
January 24, 1983	Third reading, passed. Transmitted to Senate.
IN THE	SENATE
January 25, 1983	Introduced and referred to Committee on Highways and Transportation.
February 2, 1983	Committee recommend bill be concurred in. Report adopted.
February 7, 1983	Second reading, concurred in.
February 9, 1983	Third reading, concurred in. Ayes, 49; Noss, 0.
IN THE	ROUSE
February 9, 1983	Returned to House,
February 10, 1983	Sent to enrolling.
	Reported correctly enrolled.

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LC 0399/01

House BILL NO. 98 1 INTRODUCED BY Z BY REQUEST DE THE DEPARTMENT OF HEALTH 3 4 AND ENVIRONMENTAL SCIENCES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE 7 DISTINCTION BETWEEN STANDARDS APPLICABLE TO A NEW NOTOR 8 VEHICLE WRECKING FACILITY AND THOSE APPLICABLE TO A MOTOR 9 VEHICLE WRECKING FACILITY EXISTING PRIOR TO JULY 1, 1973; 10 SIMPLIFYING THE DEFINITION OF JUNK VEHICLE; AMENDING 11 SECTIONS 75-10-501, 75-10-503, AND 75-10-504, NCA."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 75-10-501, NCA, is amended to read:
15 "75-10-501. Definitions. Unless the context requires
16 otherwise, in this part the following definitions apply:

17 (1) "Board" means the board of health and 18 environmental sciences provided for in 2-15-2104.

19 (2) "Department" means the department of health and
20 environmental sciences provided for in Title 2, chapter 15,
21 part 21.

(3) "Junk vehicle" means a discarded, ruined, wrecked,
 or dismantled motor vehicle, including component parts, or a
 vehicle-substantially-changed-in-form-by-removal-of-parts-or
 component--materials---and which is not lawfully and validly

licensed and remains inoperative or incapable of being
 driven.

3 (4) "Notor vehicle graveyard" means a collection point
4 established by a county for junk motor vehicles prior to
5 their disposal.

(5) "Motor vehicle wrecking facility" means:

7 (a) a facility buying, selling, or dealing in four or
8 more vehicles per year, of a type required to be licensed,
9 for the purpose of wrecking, dismantling, disassembling, er
10 substantially changing the form of the motor vehicle; or

(b) a facility which buys or sells integral secondhand 11 12 parts or component material thereof, in whole or in part, and deals in secondhand motor vehicle parts. A facility 13 which buys or sells integral secondhand parts or component 14 material of a motor vehicley in whole or in party is a motor 15 vehicle wrecking facility whether or not the buying or 16 17 selling price is based upon weight or any other type of 18 classification. The term does not include a garage where 19 wrecked or disabled motor vehicles are temporarily stored 20 for a reasonable period of time for inspection, repairs, or

21 subsequent removal to a junkyard.

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(6) "Person" means any individual, firm, partnership,
company, association, corporation, city, town, local
governmental entity, or any other governmental or private
entity, whether organized for profit or not.

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· 1 (7) "Public view" means any point 6 feet above the department may not adopt a rule which requires the 1 2 surface of the center of a public road from which junk construction -- of any motor vehicle wrecking facility that Z existed prior to July 1. 1973. and has been continuously 3 vehicles can be seen. 3 4 (8) "Shielding" means the construction or use of utilized thereafter as a motor vehicle wrecking facility to 4 5 fencing or manmade or natural barriers to conceal junk construct a fence or manmade barrier which would be in 5 vehicles from public view.\* 6 excess of 12 feet in height." 6 7 Section 2. Section 75-10-503, HCA, is amended to read: 7 Section 3. Section 75-10-504, MCA, is amended to read: 8 #75-10-503. Adoption of rules. The department shall "75-10-504. Shielding -- new facility. A new motor 8 adopt rules necessary for the administration of this part, 9 vehicle wrecking facility or graveyard site <u>established</u> or 9 10 except 75-10-520, including but not limited to rules 10 proposed on or after July 1. 1973, may not be approved for pertaining to: - 11 use or licensed if the proposed facility cannot be shielded 11 12 (1) the establishment, control, operation, ··· 12 from public view. The prohibition concerning approvol-of-s and 13 licensing of motor vehicle wrecking facilities and 13 new-sotor-vehicle-wracking-facifity-site-dees-net-apply-to-a graveyards: 14 14 (2) the control of junk vehicles in locations other - 15 15 preceding-18-months." 16 than motor vehicle wrecking facilities and graveyards: 16 NEW SECTION. Section 4. Saving clause. This act does 17 (3) the inspection and evaluation of premises and 17 not affect rights and duties that matured, penalties that 18 records subject to or required by this part; were: incurred, or proceedings that were begun before the 18 19 (4) the development of budget and fiscal forms and 19 effective date of this act. 20 procedures for counties; NEW SECTION. Section 5. Severability. If a part of 20 21 (5) the review, approval, and control procedures for 21 this act is invalid, all valid parts that are severable from 22 county motor vehicle graveyards developed under this part; 22 the invalid part remain in effect. If a part of this act is 23 and 23 invalid in one or more of its applications, the part remains 24 (6) the shielding of a junk vehicle and motor vehicle 24 in effect in all valid applications that are severable from 25 wrecking facility and graveyard from public view. The 25 the invalid applications. -End--3--4-

#### 48th Legislature

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### HB 0098/02

## Approved by Committee on <u>Natural Resources</u>

1	HOUSE BILL NO. 98	1	licensed and remains inoperative or incapable of being
2	INTRODUCED BY YARDLEY	2	driven.
3	BY REQUEST OF THE DEPARTMENT OF HEALTH	3	(4) "Motor vehicle graveyard" means a collection point
4	AND ENVIRONMENTAL SCIENCES	4	established by a county for junk motor vehicles prior to
5		5	their disposal.
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE	6	(5) "Motor vehicle wrecking facility" means:
7	DISTINCTION BETWEEN STANDARDS APPLICABLE TO A NEW MOTOR	7	(a) a facility buying, selling, or dealing in four or
8	VEHICLE WRECKING FACILITY AND THOSE APPLICABLE TO A MOTOR	8	more vehicles per year, of a type required to be licensed,
9	VEHICLE WRECKING FACILITY EXISTING PRIOR TO JULY 1, 1973;	9	for the purpose of wrecking, dismantling, disassembling, or
10	SIMPLIFYING THE DEFINITION OF JUNK VEHICLE; AMENDING	10	substantially changing the form of the motor vehicle; or
11	SECTIONS 75-10-501, 75-10-503, AND 75-10-504, MCA."	11	(b) a facility which buys or sells integral secondhand
12		12	parts or component material thereof, in whole or in part,
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	and deals in secondhand motor vehicle parts. A facility
14	Section 1. Section 75-10-501, HCA, is amended to read:	14	which buys or sells integral secondhand parts or component
15	*75-10-501. Definitions. Unless the context requires	15	material of a motor vehicle, in whole or in part, is a motor
16	otherwise, in this part the following definitions apply:	16	vehicle wrecking facility whether or not the buying or
17	(1) "Board" means the board of health and	17	selling price is based upon weight or any other type of
18	environmental sciences provided for in 2-15-2104.	18	classification. The term does not include a garage where
19	(2) "Department" means the department of health and	1.9	wrecked or disabled motor vehicles are temporarily stored
20	environmental sciences provided for in Title 2, chapter 15,	20	for a reasonable period of time for inspection, repairs, or
21	part 21.	21	subsequent removal to a junkyard.
22	(3) "Junk vehicle" means a discarded, ruined, wrecked,	22	(6) "Person" means any individual, firm, partnership,
23	or dismantled motor vehicle, including component parts, or-a	23	company, association, corporation, city, town, local
24	vehicle-substantially-changed-in-form-by-removal-of-parts-or	24	governmental entity, or any other governmental or private
25	componentmaterialsand which is not lawfully and validly	25	entity, whether organized for profit or not.

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(7) "Public view" means any point 6 feet above the 1 surface of the center of a public road from which junk 2 3 vehicles can be seen. (6) "Shielding" means the construction or use of 4 fencing or manmade or natural barriers to conceal junk 5 6 vehicles from public view." 7 Section 2. Section 75-10-503, MCA, is amended to read: 8 "75-10-503. Adoption of rules. The department shall 9 adopt rules necessary for the administration of this part, 10 except 75-10-520, including but not limited to rules 11 pertaining to: 12 (1) the establishment, control, operation, and licensing of motor vehicle wrecking facilities and 14 graveyards; (2) the control of junk vehicles in locations other than motor vehicle wrecking facilities and graveyards; 17 (3) the inspection and evaluation of premises and records subject to or required by this part: (4) the development of budget and fiscal forms and procedures for counties; (5) the review, approval, and control procedures for county motor vehicle graveyards developed under this part; and (6) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The -3-HB 98

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1 department may not adopt a rule which requires the 2 construction--of any motor vehicle wrecking facility that existed prior to July 1, 1973, and has been continuously 3 utilized\_thereafter as a motor vehicle wrecking\_facility\_to 4 construct a fence or manmade barrier which would be in 5 6 excess of 12 feet in height." Section 3. Section 75-10-504, MCA, is amended to read: 7 8 \*75-10-504. Shielding -- new facility. A new motor 9 vehicle wrecking facility or graveyard site established or 10 proposed on or after July 1: 1973: may not be approved for use or licensed if the proposed facility cannot be shielded 11 12 from public view ON THE DATE IT IS INITIALLY ESTABLISHED OR PROPOSED TO THE DEPARTMENT FOR LICENSURE. THE PROHIBITION 13 CONCERNING APPROVAL OF A NEW MOTOR VEHICLE HRECKING EACILITY 14 15 OR GRAVEYARD SITE DOES NOT APPLY TO A FACILITY SITE THAT WAS LICENSED AS SUCH AT ANY TIME WITHIN THE 18 MONTHS 16 IMMEDIATELY PRECEDING THE DATE AN APPLICATION IS MADE FOR 17 LICENSURE DE SUCH SITE. The prohibition concerning-approvat 18 19 of-a-new-motor-venicle-wrecking-facility-site-does-not-apply to---a---facility---site---that-has-been-used-as-such-within-the 20 21 prezeding-18-months." NEW SECTION. Section 4. Saving clause. This act does 22 not affect rights and duties that matured, penalties that 23 were incurred, or proceedings that were begun before the 24

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25 effective date of this act.

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<u>NEW SECTION</u>. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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HOUSE BILL NO. 98 1 1 INTRODUCED BY YARDLEY driven. 2 2 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 3 AND ENVIRONMENTAL SCIENCES 4 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE 6 6 DISTINCTION BETWEEN STANDARDS APPLICABLE TO A NEW NOTOR 7 7 VEHICLE WRECKING FACILITY AND THOSE APPLICABLE TO A MOTOR 8 8 VEHICLE WRECKING FACILITY EXISTING PRIOR TO JULY 1, 1973; 9 9 10 SIMPLIFYING THE DEFINITION OF JUNK VEHICLE; AMENDING 10 SECTIONS 75-10-501, 75-10-503, AND 75-10-504, MCA." 11 11 12 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 13 Section 1. Section 75-10-501, MCA, is amended to read: 14 14 15 #75-10-501. Definitions. Unless the context requires 15 16 otherwise, in this part the following definitions apply: 16 17 (1) "Board" means the board of health and 17 environmental sciences provided for in 2-15-2104. 18 18 (2) "Department" means the department of health and 19 19 environmental sciences provided for in Title 2, chapter 15, 20

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 or dismantled motor vehicle, including component parts, or-a
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licensed and remains inoperative or incapable of being

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(5) "Motor vehicle wrecking facility" means:

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 more vehicles per year, of a type required to be licensed,
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 substantially changing the form of the motor vehicle; or

(b) a facility which buys or sells integral secondhand parts or component material thereof, in whole or in part, and deals in secondhand motor vehicle parts. A facility which buys or sells integral secondhand parts or component material of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard.

(6) "Person" means any individual, firm, partnership,
company, association, corporation, city, town, local
governmental entity, or any other governmental or private
entity, whether organized for profit or not.

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-2-THIRD READING HB98 1 (7) "Public view" means any point 6 feet above the 2 surface of the center of a public road from which junk 3 vehicles can be seen.

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12 (1) the establishment, control, operation, and
13 licensing of motor vehicle wrecking facilities and
14 graveyards;

15 (2) the control of junk vehicles in locations other16 than motor vehicle wrecking facilities and graveyards;

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18 records subject to or required by this part;

19 (4) the development of budget and fiscal forms and20 procedures for counties;

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effective date of this act.

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REFERENCE BILL

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 county motor vehicle graveyards developed under this part;
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<u>NEW\_SECTIONA</u> Section 5. Severability. If a part of
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 the invalid part remain in effect. If a part of this act is
 invalid in one or more of its applications, the part remains
 in effect in all valid applications that are severable from
 the invalid applications.

-End-

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